UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

DEC 0 2 2015

CERTIFIED MAIL - RETURN RECEIPT REQUESTED
Article Number: 7015 0640 0001 0675 4671

Mr. Ross J. Holden, Esq.
Executive Vice President & General Counsel
New York City School Construction Authority
30-30 Thomson Avenue
Long Island City, New York 11101

Re: Preferred Citywide Remedy
Consent Agreement and Final Order TSCA-02-2010-9201

Dear Mr. Holden:

This letter is in response to the May 22, 2015 correspondence from New York City regarding the City's proposed revisions to its Preferred Citywide Remedy. Please be advised that the United States Environmental Protection Agency (EPA) has reviewed the City's proposed revisions. In accordance with EPA's agreement with the City, we are hereby describing additional activities previously discussed (see below) and which EPA plans to incorporate into a final Citywide Remedy. We believe these revisions are necessary to protect the health and safety of the students, teachers, and staff in the City's schools.

Risk-based Management of PCB Remediation Waste: The City has proposed managing in-place (through EPA issuance of a risk-based PCB approval) materials that are PCB Remediation Waste. The risk-assessment submitted as part of the anticipated application for the approval must consider the potential contamination of new building materials from PCB migration and must take into consideration the risks from the air exposure pathway. If encapsulation of PCB Remediation Waste is envisioned as a component of the risk-based remedy then periodic sampling of both the encapsulant and the indoor air must be performed to assess breakthrough and evaluate whether corrective measures are necessary.

Best Management Practices (BMPs) – PCB Caulk Management: The City's BMPs that were approved by EPA focused on deteriorated caulk. Since intact caulk that is old and flexible can also contain PCBs, the BMPs must include actions to address situations where this caulk is encountered.

BMPs – Heating, Ventilation, and Air Conditioning (HVAC) Maintenance: The City has proposed to maintain HVAC systems so that they operate as per design and to address HVAC deficiencies in 10 school buildings where the deficiencies were underreported by the Custodial Engineers and Building Managers.

EPA believes that maintaining HVAC systems and optimizing ventilation to ensure adequate air exchange is a crucial component of the Preferred Citywide Remedy. However, we remain concerned that, even after these and the other elements of the Preferred Citywide Remedy are implemented as

proposed by the City, PCBs could be present in the indoor air above the Agency's exposure levels. The City's proposal must therefore be modified to provide for the air sampling of Relevant Schools, as that term is defined in the Consent Agreement, based on a prioritization scheme which puts the highest priority on schools where PCBs were found in the building materials. Other factors to consider in developing a prioritization scheme of the Relevant Schools include: the existence of PCB-containing lighting (found through lighting upgrades and ballast failure incidents) in a building; the age of the building taking into account new information such as the presence of unit ventilators; if any renovations were done to any school building (regardless of whether the building is a Relevant School) during the relevant time period between 1950 and 1978; the grade levels served; and the continued presence of old yet intact caulk. The air in a representative subset of the prioritized schools should then be sampled for PCBs, with the number and location of samples in each school to be determined. If exceedances of EPA's indoor air exposure levels are found within the subset of prioritized schools, additional air sampling at these and other schools may be necessary.

Removal and Replacement of Caulk: The City proposes to manage and dispose of PCB-containing caulk when it is disturbed during renovation (*i.e.*, capital improvement) activities. A provision must be included in the final Citywide Remedy for the periodic testing of replacement caulk to ensure that contamination from PCB migration has not occurred and to implement corrective measures if migration is found.

Soil Evaluation, Excavation and Replacement: The City proposes that following construction projects that disturb exterior PCB-containing caulk, PCB-contaminated surface soils located within 10 feet of the building will be excavated to a cleanup level of 1 part per million (ppm). All PCBs that are found from the City's characterization activities at levels greater than 1 ppm must be addressed, regardless of the distance from the building.

Additional Studies: The City proposes to collect air samples from two buildings (with the possibility of collecting air samples from two additional buildings) that were found to be similar to P.S. 199M. Although the City evaluated buildings constructed from 1958 to 1962 (*i.e.*, the same time period in which P.S. 199M was constructed), the evaluation must be expanded to evaluate all buildings constructed between 1950 and 1978 that could be similar to PS 199M. In addition, the City must collect air samples from all four buildings it has thus far identified as being similar to P.S. 199M. EPA believes that the results of this study will be solely applicable to P.S. 199M (and schools found to be similar to P.S. 199M) and will not impact the Agency's recommendations presented above.

Unit Ventilators: The Division of School Facilities recently informed EPA of a situation in which PCBs leaked from a capacitor associated with the motor controller for a unit ventilator. It is our understanding that unit ventilators are present in over 250 school buildings and that some of these systems (installed from the 1930's onward) may contain PCB electrical equipment. Please note that EPA is aware that PCBs could also be present in the insulation and interior coatings of unit ventilators. Since the unit ventilators represent a potential source of PCBs to the indoor school environment, the Preferred Citywide Remedy must include provisions for the inspection of the individual units, for both the presence of PCB-containing materials as well as leaks, with remediation of the units if PCBs are found above regulatory levels.

Please note that we would like to schedule a meeting with the City to discuss the aforementioned revisions. Should you have any questions, please contact Robert Hazen of my office at (212) 637-3215 or at hazen.robert@epa.gov.

Sincerely yours,

Naomi Shapiro, Team Leader
Toxic Substances Team
Waste and Toxic Substances Branch
Office of Regional Counsel

cc: John O'Connell Jr., New York City School Construction Authority
Alex Lempert, New York City School Construction Authority